

MICHIGAN COMMISSION ON SERVICES TO THE AGING
ACCESS (Arab Community Center for Economic & Social Services)
6451 Schaefer, Dearborn
March 17, 2006
Minutes

CALL TO ORDER

Chairperson Kennedy called the meeting to order at 10:05 a.m.

Chairperson Kennedy welcomed everyone to ACCESS and thanked Commissioner Harb and her assistant Mariam Mohamed for making it possible to hold today's meeting and the State Plan hearing at ACCESS.

Chairperson Kennedy led the Pledge of Allegiance. Chairperson Kennedy reinforced the purpose and primary role of the Commission.

ROLL CALL

The roll call was taken and a quorum was present.

COMMISSION MEMBERS PRESENT

Jerutha Kennedy, Cheryl Bollinger, Herman Dooha, Annette Guilfoyle, Sonia Harb, Chun-Keung Leung, Thomas Rau, Ramesh Verma, William Walters, IV, Janice Wilson, and James Wright

COMMISSION MEMBERS ABSENT (Excused)

Owen Bieber, Rose Gill, Albert Lewis, and Alberta Wilburn

OSA STAFF PRESENT

Sharon Gire, Cindy Albrecht, Eric Berke, Steve Betterly, Peggy Brey, Karen Carroll, Bonnie Graham, Neelam Puri, and Lisa VanRaemdonck (OSA Student Intern).

VISITORS/GUEST PRESENT

John Pedit, Dorothy Post, Alice Sevonty, Gene Pisha, Bob Brown, Jim McGuire, and Angela Willis

APPROVAL OF AGENDA

Commissioner Wilson made the motion to approve the agenda. The motion was seconded by Commissioner Bollinger and approved unanimously by voice vote with no additions.

APPROVAL OF COMMISSION MINUTES

Commissioner Bollinger made the motion to approve the minutes from February 17, 2006. The motion was seconded by Commissioner Guilfoyle and approved unanimously by voice vote with no corrections to the minutes.

INFORMATION FROM INDIVIDUALS CONCERNING AGENDA ITEMS

None

OSA DIRECTOR'S REPORT

Director Gire welcomed everyone to the meeting and extended a sincere thanks to Commissioner Harb for facilitating the use of the facility at ACCESS. Director Gire updated the Commission on the following:

Elder Abuse Task Force

Director Gire reported that the Task Force on Elder Abuse met on March 2 and thanked Commissioner Dooha for attending. The meeting focused on financial issues including regulations, financial planning, financial planning tools, and case examples of misuse of those tools.

Director Gire stated the speakers at the Task Force meeting included representatives from the Office of Financial and Insurance Services (OFIS), the banking and credit union associations, and elder law advocates.

The next Task Force meeting will be held on Thursday, April 6 at the Hannah Community Center in East Lansing from 10:00 a.m. – 5:00 p.m.

Director Gire stated the Task Force would be holding hearings in May on their draft recommendations. The hearings will be held in St. Ignace, Detroit, and Grand Rapids and as details are finalized the information will be forwarded to the Commission.

Office of LTC and the LTC Commission

Director Gire stated she has been a member of the interview panel for selection of the Director for the new Office of LTC Supports and Services within DCH. Many qualified candidates have applied for this position and Director Gire believes it is important that OSA be part of the process.

Public Hearing Update:

Upcoming public hearing dates for the 2007-2009 State Plan development will be held on March 21 at Senior Services, Inc., Kalamazoo and on March 29 at the University of Michigan-Flint in Flint from 1:30 p.m. – 3:00 p.m. Director Gire reminded everyone that the directions for these locations can be found on the OSA website, www.miseniors.net.

Budget Update

Director Gire stated that OSA's budget was presented to the Senate DCH Appropriations Sub-Committee on February 14 and on March 15 to the House DCH Appropriations Sub-Committee. The Senate sub-committee has recommended no changes to the OSA '07 budget as proposed by Governor Granholm.

Director Gire announced that Senators Arlen Specter and Tom Harkin, Chair and ranking member of the U.S. Senate Labor, HHS, and Education Appropriations Subcommittee, have introduced an amendment to reinstate the \$7 billion reduction in Labor, HHS and Education discretionary funding proposed in the President's FY'2007 budget.

White House Conference on Aging

Director Gire stated OSA has scheduled a follow-up meeting with the Michigan delegates and alternates on April 13, 2006. The purpose of this meeting will be to review the preliminary WHCoA report and decide on follow-up strategies. Director Gire also stated that she received a copy of a letter that was sent to each Governor asking for their input regarding the top 50 WHCoA resolutions. Director Gire expressed concern this letter may have been sent as the WHCoA Preliminary Report, which was required by March 15, 2006.

No discussion followed Director Gire's report.

BUSINESS ITEMS

Proposed Revisions to Statewide Service and Area Agency on Aging Operating Standards

Eric Berke, OSA staff, asked for Commission approval of the proposed revisions to the statewide Minimum Standards for Service Programs and Area Agency on Aging Operating Standards presented at the February Commission meeting. Mr. Berke stated he has worked closely with a work group representing area agencies and service providers for the past year to assist in the revisions. Mr. Berke noted that OSA maintains two completely separate sets of standards. One establishes minimum expectations related to the provision of services supported by Older American Act and state funds and the other governs how AAAs conduct business. Mr. Berke highlighted a number of the changes, indicating that many were minor such as name changes and language updates. A reference guide identifying references pertaining to statutory authority has also been included to assist users of the standards.

A motion was made by Commissioner Guilfoyle to approve the Proposed Operating Standards for Area Agencies on Aging and seconded by Commissioner Wilson. The Commission approved with a vote of 11-0-0.

Discussion followed with Commissioner Guilfoyle questioning how the services for older adults will be affected by the new minimum wage increase. Mr. Berke responded that an assessment has not been done but some impact can be expected. Commissioner Guilfoyle requested that OSA track the information from the AAAs to determine if declining budgets are impacting the number of people served through the aging network. Discussion continued with Commissioner Walters stating that in his area providers already offer \$7.50 an hour for homemaking services but still have difficulty in finding people to fill vacant positions, so the increase in the minimum wage may have little impact. Commissioner Guilfoyle commented that providers may be forced to offer even higher rates to attract workers if the minimum wage is increased. Chairperson Kennedy reinforced the importance of the Commission's need to be aware of the impact the minimum wage increase will have on the provision of services to older adults.

Commissioner Bollinger asked for an explanation as to why "sexual orientation" is not included as a requirement within the Civil Rights compliances sections of both documents. Mr. Berke stated that in the State of Michigan Elliott-Larsen Civil Rights Act of 1976 and the Federal Civil Rights Act of 1964, Title VII specifically, sexual orientation is not a protected category. As a result "sexual orientation" is not included as the standards only address minimum expectations reflected in current law or regulation. Mr. Berke also stated the Commission can include the reference if desired.

A motion was made by Commissioner Guilfoyle to include sexual orientation in the AAA Operating Standards page 14 and in the service standards page 7 and seconded by Commissioner Bollinger and approved unanimously by voice vote.

Chairperson Kennedy asked for clarification on page 7 regarding "entrepreneurial activity." Mr. Berke stated this provision was added so AAAs can offer services on a "fee for service" basis as a way of expanding services in light of budgetary constraints and growing waiting lists. At the current time there are no options for individuals or families to access services provided by the AAAs if resources are not available or waiting lists exist. Commissioner Harb stated that she

understands the intent of the new language to expand the availability of services, but expressed concern that the appearance of a conflict of interest could result if “free services” are offered to some older adults while others would be charged. Commissioner Harb requested clarification of the language prior to approval by the Commission. Chairperson Kennedy stated that several sections of the proposed AAA Operating Standards are unclear and confusing and asked if it was critical to approve the revisions at today’s meeting. Mr. Berke responded that it was more important to approve the minimum standards for service programs as AAAs are currently developing Requests for Proposals for the new 2007-2009 Multi-Year Plan and a delay may affect the AAAs ability to have contracts in place for the new fiscal year. Mr. Berke further explained that approval of the Operating Standards are less critical given they do not directly affect the provision of services and additional time spent to address the Commission’s concerns would not be problematic.

A motion was made by Commissioner Guilfoyle to table Section 4 of the Proposed Operating Standards for Area Agencies on Aging for further clarification and approving the rest of the document. Commissioner Wilson seconded the motion.

Following additional discussion, Commissioner Guilfoyle made a motion to withdraw her previous motion. Commissioner Wilson also moved to withdraw her second to that motion.

Commissioner Guilfoyle suggested that consideration of the AAA Operating Standards document be delayed for further discussion and clarification. The Commission reached consensus that Chairperson Kennedy, Commissioner Harb, Commissioner Walters, and Mr. Berke would get together to clarify issues and concerns in the AAA Operating Standards document.

A motion was then made by Commissioner Guilfoyle to approve the Minimum Standards for Service Programs and seconded by Commissioner Bollinger.

Commissioner Walters then moved to amend the motion on the floor to include sexual orientation as a civil rights protection to the Minimum Standards for Service Programs given the decision was made to table consideration of AAA Operating Standards. Mr. Berke reminded him that it had already been voted on to include sexual orientation and it didn’t need to be considered again.

After further discussion, Commissioner Guilfoyle moved to amend the motion on the floor to ensure that the inclusion of “sexual orientation” as a civil rights protection was included in both sets of standards. Commissioner Bollinger seconded this motion. The motion was approved with an 11-0-0 vote.

FY 2007-2009 Multi-Year/Area Implementation Plan Approval Criteria

Steve Betterly, OSA staff, requested the Commission’s approval of the FY 2007-2009 Multi-Year/Annual Implementation Plan (MYP/AIP) Approval Criteria. Mr. Betterly stated the approval criteria is provided to AAAs for guidance in the preparation of the 2007-2009 MYP/AIPs and will be used by staff to evaluate the MYP/AIPs submitted by the AAAs to OSA.

Mr. Betterly stated the MYP covers the period of October 1, 2006 thru September 20, 2009. The plans will also include provisions for the 2007 AIP. Mr. Betterly stated the MYP/AIP instructions were mailed to the AAAs on February 6, 2006 and included a July 5, 2006 deadline for submission to OSA. Recommendations concerning approval of submitted MYP/AIPs will be presented to the Commission for approval in August or September 2006.

A motion was made by Commissioner Walters IV to approve the FY2007-2009 MYP/AIP Approval Criteria and seconded by Commissioner Wright. The Commission approved with an 11-0-0 vote.

Discussion followed with Commissioner Guilfoyle asking for explanation as to how MYP/AIP public hearings are conducted by the AAAs. Mr. Betterly responded by stating that AAAs are provided specific instructions as to how public hearings are to be conducted for development of the MYP/AIP, including requirement for a 30-day notice prior to the hearing, accessible facility, and provision of copies of the draft plan for distribution to the public. Mr. Betterly also stated that for two public hearings are required in those years when a new MYP is being developed as opposed to one for new AIPs. Mr. Betterly stated the 2007-2009 MYP/AIP includes the addition of a single signature page for AAAs that eliminates the need for signatures in multiple places throughout the plan.

Chairperson Kennedy commended Mr. Betterly for the straightforward language of the MYP/AIP process as delineated in the MYP/AIP approval criteria. Mr. Betterly responded that improvements to this process have been the result of a group project with other OSA staff and the AAA planners.

Nominations for State Advisory Council (SAC) Membership

Commissioner Guilfoyle, Chair of the State Advisory Council, presented the slate of nominations for appointments to the SAC for 2006. Commissioner Guilfoyle stated the nominating committee received many applications from individuals with excellent credentials.

Unfortunately, Commissioner Guilfoyle stated only 20 open positions for the SAC were available to be filled and required criteria such as senior representation, diversity and geographic representation needed to be considered when preparing the slate. Commissioner Guilfoyle further stated that once approved, letters to all applicants would be mailed following the joint Commission and State Advisory Council meeting in April.

The nominations were approved unanimously by voice vote.

Discussion followed regarding the process of announcement of new SAC members. The Commissioners asked for clarification of this process from OSA staff.

INFORMATION AND COMMENT

State Advisory Council (SAC) Update presented by Commissioner Guilfoyle

Commissioner Guilfoyle reported on the SAC meeting held March 16, 2006. Commissioner Guilfoyle stated that Peter Lichtenberg, Ph.D, Director for the Institute of Gerontology at Wayne State University, spoke to the SAC regarding research the Institute is conducting on older adults, mental health, and depression. Commissioner Guilfoyle stated the SAC has been working on this issue for the past year and will be providing a report and recommendations to the Commission at the joint CSA/SAC meeting in April.

Senate Bill 880 Update

Bonnie Graham, OSA staff, presented the Commission with a draft letter for approval regarding SB 880. The letter was drafted to be sent to the Commissioner of the Office of Financial and Insurance Services and includes specific language regarding SB 880 provisions for annuity disclosure statements. The specific language was added as requested by the CSA following the

February presentation on SB 880 by OSA staff and Ms. Amy Tripp of Chalgian & Tripp Law Offices.

No questions followed and the request of sending the letter was approved unanimously by voice vote.

Medicare Prescription Drug Benefit Program Update

Neelam Puri, OSA staff, updated the Commission regarding the Medicare Prescription Drug Benefit Program. Ms. Puri reinforced that the Center for Medicare Services (CMS) is aware of the numerous problems associated with implementation of the Medicare Prescription Drug Benefit Program as is working to diligently to address those issues. Ms. Puri provided an overview of several implementation issues, technical issues and discussed the actions being taken to resolve them. Ms. Puri encouraged Commissioners to refer individuals with problems or question to the Medicare/Medicaid Assistance Program (MMAP) for assistance.

Discussion followed with Commissioners acknowledging the fact that CMS is striving to improve their system, but stated that perhaps a pilot program would have been a better approach to identify and addressing implementation problems as opposed to launching the program on a nationwide basis. Commissioner Wright asked if CMS is considering extending the enrollment deadline beyond May 15, 2006. Ms. Puri stated there has been some discussion but no decision has been made to date. Commissioner Dooha questioned Ms. Puri as to what happens when individuals enroll in a plan based on coverage for specific medications but then the plan discontinues coverage for that medication. Ms. Puri stated a process for addressing this issue has been developed by CMS and is in place for such instances.

Presentation by Celine Taminian, Curator of Education Arab American National Museum

Celine Taminian, Curator of Education Arab American National Museum in Dearborn, conducted a presentation to the Commission regarding the Arab population and culture. Ms. Taminian provided information to the Commission on the composition of, similarities and differences within the Arab nations. Commissioners thanked Ms. Taminian for her informative and enlightening presentation.

ANNOUNCEMENTS

A copy of the February 2006 Corrective Action Plan progress report from The Senior Alliance was included in Commissioner packets.

Also included in the packets is a sample letter regarding the President's proposed FY 2007 federal budget. This letter was requested by Commissioners at the February CSA meeting and may be used to contact their federal elected officials regarding the proposed 2007 funding reductions in OAA programs and services.

A joint meeting of the Commission on Services to the Aging and the State Advisory Council will be held at 10:00 a.m. on April 21, 2006 at the Holiday Inn West Conference Center, Lansing, Michigan.

State plan public hearings will be held on March 21, 2006 at Senior Services, Inc., in Kalamazoo, and on March 29 at the University of Michigan-Flint Conference Center in Flint. As previously stated all hearings will be conducted from 1:30 p.m. to 3:00 p.m. All commissioners are encouraged to attend.

Chairperson Kennedy announced that she has been asked to be a guest speaker at the Senior Alliance Annual Meeting in April.

Adjourn

A motion to adjourn was made by Commissioner Bollinger and seconded by Commissioner Walters. Chairperson Kennedy adjourned the meeting at 12:20 p.m.